

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dana Dukes Tyler,)
) C/A No. 6:15-0770-MBS
Plaintiff,)
)
vs.)
)
Nancy A. Berryhill, Acting Commissioner,)
Social Security Administration,)
)
Defendant.)
_____)

ORDER

On February 23, 2015, Plaintiff Dana Dukes Tyler brought this action to obtain judicial review of a final decision of Defendant Acting Commissioner of Social Security denying Plaintiff's applications for disability insurance benefits and supplemental security income. See 42 U.S.C. § 405(g). On April 14, 2016, the court remanded the Commissioner's decision pursuant to sentence four of § 405(g) for further administrative proceedings. By order entered July 19, 2016, the court awarded attorney's fees and expenses in the amount of \$4,500.00 to Plaintiff's counsel pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). By order filed April 11, 2018, the court granted attorney's fees pursuant to the Social Security Act, 42 U.S.C. § 406(b) in the amount of \$19,111.50.

This matter is before the court on Plaintiff's second motion for attorney's fees under 42 U.S.C. § 406(b) filed June 6, 2018. Counsel moves for an order awarding an attorney's fee of \$23,992.50 for work done only in this court. The fee is in addition to the previous award of \$19,111.50.¹ On June 20, 2018, the Commissioner filed a response informing the court that she has no objection to Plaintiff's

² The fees do not exceed 25% of the past due benefits awarded to Plaintiff and his beneficiaries, in accordance with the fee agreement between Plaintiff and counsel and as permitted by 42 U.S.C. § 406(b). See ECF No. 40-3.

motion for attorney's fees. Accordingly, Plaintiff's motion for fees under 42 U.S.C. § 406(b) (ECF No. 40) is **granted** in the amount of \$23,992.50.

The Commissioner informs the court that the EAJA fee was offset by the government to pay federal debt owed by Plaintiff, so that counsel did not receive reimbursement under the EAJA. Therefore, counsel is not required to remit any sums to Plaintiff.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

June 21, 2018